

Message Text

CONFIDENTIAL

PAGE 01 BANGKO 11189 131229Z

44

ACTION AID-05

INFO OCT-01 EA-06 ISO-00 AGR-05 EB-07 IGA-01 OMB-01 TRSE-00

SSO-00 NSCE-00 INRE-00 PM-03 NSC-05 SP-02 SS-15

CIAE-00 INR-07 NSAE-00 L-03 H-02 COME-00 DODE-00 /063 W

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O 131151Z JUN 75

FM AMEMBASSY BANGKOK

TO SECSTATE WASHDC IMMEDIATE 5676

C O N F I D E N T I A L BANGKOK 11189

PASS AGRICULTURE FOR D.L. TIERNEY, PROGRAM OPERATIONS DIVISION

PASS AID SCHMEISSER SER/COM

E.O. 11652: GDS

TAGS: EAID, EAGR, TH

SUBJ: PL-480 FRUSTRATED CARGOES: OWNERSHIP QUESTIONED

REF: A. STATE 120425

B. STATE 124116

C. STATE 126601

D. BANGKOK 7521

1. THE AGRICULTURAL ATTACHE IN ACCORDANCE WITH THE INSTRUCTIONS IN THE REFERENCE CABLES COMPLETED THE SALE OF THE PL-480 CARGOES ORIGINALLY DESTINED FOR SOUTH VIETNAM. INVOICES FOR THE COMMODITIES WERE ISSUED TO THE BUYERS, INSTRUCTIONS WERE GIVEN TO STATES LINES TO RELEASE THE DOCUMENTS AND THAI CUSTOMS WERE ASKED TO RELEASE THE COMMODITIES TO THE BUYERS AFTER PAYMENT OF CUSTOMS DUTIES.

2. UPON PRESENTATION OF THE PURCHASE AND SHIPPING DOCUMENTS TO THAI CUSTOMS, THE BUYERS WERE TOLD THAT THE COMMODITIES COULD NOT BE RELEASED. THE MINISTRY OF FOREIGN AFFAIRS (MFA) ISSUED INSTRUCTIONS TO THAI CUSTOMS TO HOLD THE COMMODITIES UNTIL MFA ISSUED A RELEASE. THIS WAS A NEW AND UNANTICIPATED
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BANGKO 11189 131229Z

DEVELOPMENT.

3. THE AGRICULTURAL ATTACHE CHECKED WITH CUSTOMS IN AN EFFORT TO DETERMINE WHY THE CARGOES WERE FROZEN. HE DETERMINED THAT AN ORDER FROM MFA TO CUSTOMS HAD BEEN RECEIVED SAYING THE GOVERNMENT OF SOUTH VIETNAM ON APRIL 30, IN A DIPLOMATIC NOTE, REQUESTED THE ROYAL THAI GOVERNMENT TO STORE AND CARE FOR THE COMMODITIES ORIGINALLY DESTINED FOR SOUTH VIETNAM.

4. ECONOMIC/COMMERCIAL COUNSELOR CONTACTED DIRECTOR GENERAL ECONOMIC AFFAIRS, MFA AND REQUESTED HIS ASSISTANCE IN OBTAINING A RELEASE OF THE CARGOES. THE DIRECTOR GENERAL RECOMMENDED TO HIS COLLEAGUES IN THE LEGAL DEPT. OF MFA THAT THE COMMODITIES BE RELEASED AND MADE AN APPOINTMENT FOR THE AGRICULTURAL ATTACHE TO MEET WITH THE DIRECTOR GENERAL, TREATY AND LEGAL DEPARTMENT, KHUN WAIKUN SAMRUATRUAMPHON SO THAT DOCUMENTS PROVING U.S. OWNERSHIP COULD BE PRESENTED.

5. THIS MEETING WAS UNSETTLING TO SAY THE LEAST. THE MFA LEGAL COUNSEL CONTENDED TITLE TO THE COMMODITIES BELONGS TO SOUTH VIETNAM. THE MFA LEGAL STAFF STATED THAT ASSETS OF ONE GOVERNMENT PASS TO THE NEXT GOVERNMENT. THE RTG HAS RECOGNIZED THE PROVISIONAL REVOLUTIONARY GOVERNMENT OF SOUTH VIETNAM. THEREFORE, MFA CONSIDERS THE CARGOES BELONG TO PRGSV.

6. THE AGRICULTURAL ATTACHE, IN HIS MEETING WITH D.G. WAIKUN PRESENTED A LETTER OUTLINING REASONS WHY USG HAS OWNERSHIP OF PL-480 COMMODITIES WITH ATTACHED COPY OF THE LETTER FROM THE OFFICE OF FOREIGN ASSETS CONTROL, REF A), AND COPIES OF THE LETTERS OF INDEMNITY TO THE PURCHASER. MFA WAS TOLD THAT THE USG HAD NEVER RELINQUISHED OWNERSHIP OF THE COMMODITIES, HAD ARRANGED STORAGE AND WAS PAYING ALL COSTS OF STORAGE AND THE DAILY CUSTOMS CHARGES. MFA LEGAL ADVISOR WOULD NOT ACCEPT THIS AS PROOF OF OWNERSHIP OF THE CARGOES. AGRICULTURAL ATTACHE ALSO NOTED THAT WHEAT WAS A PERISHABLE COMMODITY UNDER PRESENT STORAGE ARRANGEMENTS AND MUST BE SOLD AS SOON AS POSSIBLE.

CONFIDENTIAL

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PAGE 03 BANGKO 11189 131229Z

7. REQUEST IMMEDIATE REPLY GIVING LEGAL AUTHORITY UNDER INTERNATIONAL LAW FOR U.S. CLAIM TO COMMODITIES. IF PROOF IS AVAILABLE THAT OWNERSHIP WAS NOT TRANSFERRED TO GOVERNMENT OF SOUTH VIETNAM WHEN VESSELS WERE LOADED, THIS WOULD ALSO BE USEFUL IN PRESENTING OUR CASE.

8. AGRICULTURAL ATTACHE HAS ACCEPTED FIRM OFFER OF \$150

PER METRIC TON FOR WHEAT AND 40.42 CENTS PER POUND FOR
COTTON. IF OWNERSHIP OF COMMODITIES CAN NOT BE PROVEN TO
SATISFACTION OF MFA, AGRICULTURAL ATTACHE WILL HAVE TO
RELEASE BUYERS FROM THEIR CONTRACTS.
WHITEHOUSE

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Message Attributes

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Draft Date: 13 JUN 1975
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Decaption Note:
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Disposition Approved on Date:
Disposition Authority: CunninFX
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
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